

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>ROBERT McDEVITT</b>	:	<b>CIVIL ACTION</b>
Plaintiff,	:	
	:	
vs.	:	<b>NO. 03-5386</b>
	:	
<b>JO ANNE B. BARNHART</b>	:	
<b>Commissioner of SOCIAL SECURITY</b>	:	
<b>ADMINISTRATION</b>	:	
	:	

**O R D E R**

**AND NOW**, this 21<sup>st</sup> day of June, 2005, upon consideration of the pleadings and the record herein, and after review of the Report and Recommendation of United States Magistrate Judge Charles B. Smith dated February 24, 2005, no objections having been filed, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Charles B. Smith dated February 24, 2005, is **APPROVED** and **ADOPTED**;
2. The Motion for Summary Judgment filed by Jo Anne B. Barnhart, Commissioner of Social Security, is **DENIED**;
3. Plaintiff's Motion for Summary Judgment is **GRANTED**;
4. The Final Decision of Jo Anne B. Barnhart, Commissioner of Social Security, denying plaintiff's Disability Insurance Benefits under Title II of the Social Security Act, 42 U.S.C. § 401, *et seq.*, is **REVERSED**; and,
5. The matter is **REMANDED** to Jo Anne B. Barnhart, Commissioner of Social Security, for calculation of benefits.

**BY THE COURT:**

/s/ Honorable Jan E. DuBois  
**JAN E. DUBOIS, J.**